



The undersigned certifies that this communication is being deposited with the United States Postal Service as prepaid first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 18, 2004.

Diane Dunn McKay

Docket No. 4774-111 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer No.  
LEONARD et al. : 26817  
  
Serial No. 10/706,792 : Group Art Unit: 3763  
  
Filed: November 12, 2003 : Examiner: Not yet assigned  
  
Title: INTELLIGENT MEDICAL DEVICE : Confirmation No. 7187  
BARRIER :  
X

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF  
PETITION UNDER 37 C.F.R. § 1.47(a)**

Sir:

In response to a Decision Refusing Status Under 37 C.F.R. § 1.47(a) mailed August 24, 2004, Applicant hereby submits a Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a), and all requisite fees.

The Decision indicates that the previously submitted Petition lacked proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration having been presented with the application papers (specification, claims and drawings).

Applicant submits herewith a copy of a letter dated September 7, 2004, addressed to Todd Leonard, the non-signing inventor in the instant application, evidencing that Mr. Leonard

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01 FC:1460  
130.00 OP

has been provided with a copy of the application specification, claims and drawings, as well as the Declaration and Power of Attorney for Patent Application form by Registered Mail. A copy of the letter dated September 7, 2004, the U.S. Postal Service Certified Mail Receipt and Registered mail postcard are attached herewith as Exhibit A. Exhibit B is a copy of the return postcard for Registered mail executed by Todd Leonard on September 10, 2004.

Applicant believes that Item 1 of the Decision mailed August 24, 2004 has been satisfied. The Registered mail postcard executed by Todd Leonard on September 10, 2004 proves that Mr. Leonard has been presented with a copy of the application papers, i.e., specification, claims and drawings, and the Declaration and Power of Attorney for Patent Application form. As Mr. Leonard has further remained silent with regard to executing the Declaration and Power of Attorney Form and providing a copy of same to either this attorney's office or to ProUroCare, Inc., it is our belief that Mr. Leonard refuses to sign the Declaration and Power of Attorney Form for filing with the United States Patent and Trademark Office.

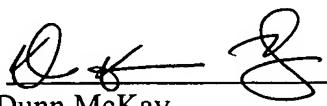
Applicant submits that the last known address of joint inventor, Todd E. Leonard is 11650 Timberline Road, Minnetonka, MN 55305.

Applicant respectfully requests that the Commissioner grant a Petition Pursuant to 37 C.F.R. § 1.47 as Applicant has made several attempts to contact Todd Leonard, who has refused to sign and return the Declaration and Power of Attorney.

Pursuant to 37 C.F.R. § 1.17(h), Applicants enclose herewith the requisite fee. Please credit any overpayments or charge any additional fees to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: October 18, 2004

  
Diane Dunn McKay  
Reg. No. 34,586  
Attorney for Applicant

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BRUCE M. COLLINS, COUNSEL

PATENTS  
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UNFAIR COMPETITION  
LICENSING  
COMPUTER AND HIGH  
TECHNOLOGY MATTERS  
RELATED LITIGATION

September 7, 2004

**VIA REGISTERED MAIL**

Todd Leonard  
11650 Timberline Road  
Minnetonka, MN 55305

RE: U.S. Patent No. 10/706,792  
INTELLIGENT MEDICAL DEVICE BARRIER  
Our Ref. 4774-111 US

Dear Todd:

Enclosed please find a copy of the above-referenced patent application, including a copy of the specification, claims and Abstract and three (3) sheets of drawings, filed November 12, 2003 with the United States Patent and Trademark Office.

We also enclose herewith a Declaration and Power of Attorney for Patent Application form for your execution. As you are aware, the above-identified patent application was filed with an unexecuted Declaration and Power of Attorney form. It is therefore necessary, at this time, to submit a fully executed Declaration and Power of Attorney to the United States Patent and Trademark Office. The fully executed Declaration and Power of Attorney form must be submitted before October 24, 2004.

Please execute the enclosed Declaration and Power of Attorney for Patent Application form where indicated and return same to us for filing prior to the October 24, 2004 deadline. Please be aware that this deadline is non-extendible.

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.

Todd Leonard  
September 7, 2004  
Page 2

We look forward to receiving the fully executed Declaration and Power of Attorney for Patent Application form. Should you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.



DIANE DUNN McKAY

DDM/cns  
Enclosure

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**

*(Domestic Mail Only, No Insurance Coverage Provided)*

Postmark  
Here

Postage	\$ 1.06
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$ 5.11	

Sent To *Todd Leonard*

Street, Apt. No., or P.O. Box No.

*11650 Timberline Road*

City, State, ZIP+

*Minnetonka, MN 55305*

PS Form 3800, May 2000

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

**COMPLETE THIS SECTION ON DELIVERY**

- Complete items 1, 2 and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

**Todd Leonard**  
11650 Timberline Road  
Minnetonka, MN 55305

A. Signature  Agent  
                   Addressee

B. Received by (Printed Name)  C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
(Transfer from service label)

**7000-1670-0003-8353-2739**

Domestic Return Receipt

102595-02-M-1540

**CERTIFIED MAIL**

PLACE STICKER AT TOP OF ENVELOPE  
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TO THE RIGHT OF RETURN ADDRESS



PS Form 3811, August 2001

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Todd Leonard  
11650 Timberline Road  
Minnetonka, MN 55305

**2. Article Number***(Transfer from service label)*

7000-1670-0003-8353-2739

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

*Todd Leonard*

Agent  
 Addressee

**B. Received by (Printed Name)**

*Todd Leonard*

**C. Date of Delivery**  
*9/7/04*

**D. Is delivery address different from item 1?**  Yes  
If YES, enter delivery address below:  No

**3. Service Type**

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

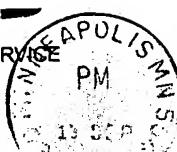
**4. Restricted Delivery? (Extra Fee)**  Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail  
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Permit No. G-10.

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Diane Dunn McKay, Esq.  
Mathews, Collins, Shepherd & McKay, P.A.  
100 Thanet Circle, Suite 306  
Princeton, New Jersey 08540

RECEIVED

SEP 17 2004

MATHEWS, COLLINS  
SHEPHERD & MCKAY, P.A.